

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

MEDICAL PROPERTIES TRUST,
INC.,

Plaintiff,

v.

VICEROY RESEARCH LLC, *et al.*,

Defendants.

Case No. 2:23-cv-00408-RDP

**DEFENDANT PERRING'S MOTION TO DISMISS UNDER RULES
12(b)(2) AND 12(b)(6) AND SUPPORTING MEMORANDUM**

Defendant Fraser Perring hereby moves to dismiss Plaintiff Medical Properties Trust, Inc.'s ("MPT") Complaint under Rule 12(b)(2) of the Federal Rules of Civil Procedure for lack of personal jurisdiction and Rule 12(b)(6) for failure to state a claim upon which relief can be granted.

Motion to Dismiss Under Rule 12(b)(6)

In support of the motion to dismiss under Rule 12(b)(6), Perring hereby joins Viceroy's pending motion to dismiss under the same rule and incorporates by reference Viceroy's briefing in support of this motion. (Docs. 17, 40). Those arguments and cited authority apply equally to MPT's claims against Defendant Perring, and for the reasons stated in Viceroy's briefing, the Complaint should be dismissed against Defendant Perring, as well.

Motion to Dismiss Under Rule 12(b)(2)

In support of the motion to dismiss under Rule 12(b)(2) for lack of personal jurisdiction, Perring hereby joins Viceroy's pending motion to dismiss under the same rule and incorporates by reference Viceroy's briefing in support of this motion. (Docs. 16, 40). Those arguments and cited authority also apply equally to Perring.

As set forth in the attached declaration, Perring is a citizen and domiciliary of the United Kingdom. Ex. A, Perring Decl., ¶ 1. He does not own or lease any property in Alabama and has no assets in Alabama. *Id.* ¶¶ 3-4. To the best of his knowledge, he has never been to Alabama, and has never been to Alabama in relation to any of the work he does for Viceroy. *Id.* ¶5. He did not make any phone calls, send any letters, or send any emails or other electronic communications to anyone in Alabama related to Viceroy's investigation of MPT or Viceroy's publications about MPT. *Id.* ¶ 6. None of the alleged defamatory statements that MPT complains about were published by Viceroy, Perring, or anyone else in Alabama. *Id.* ¶ 7. Rather, all the alleged defamatory statements were published on the internet, addressing a global audience. *Id.*

Like Viceroy, Defendant Perring lacks any contacts with Alabama, and for the reasons stated in Viceroy's motion to dismiss for lack of personal jurisdiction

and supporting briefing (Docs. 16, 40), this Court lacks personal jurisdiction over Mr. Perring, as well.

CONCLUSION

For these reasons, Defendant Perring respectfully prays and requests that the Court dismiss MPT's Complaint in its entirety and tax costs to MPT in this action.

Respectfully submitted this 24th day of May, 2023.

/s/ Richard M. Elias:

ELIAS LLC
Richard M. Elias (pro hac vice)
231 S. Bemiston, Suite 800
St. Louis, MO 63105
314-391-6824
relias@eliasllc.com
tfriedman@eliasllc.com

/s/ J. Ken Thompson

J. KEN THOMPSON (ASB-1422-P67J)
Attorney for Defendant, Viceroy
Research, LLC

J. Ken Thompson
Attorney at Law
P.O. Box 43116
Birmingham, Alabama 35243
205-601-5624
kent@jkenthompsonlaw.com

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed a true and correct copy of the foregoing, using the Court's CM/ECF system, which will automatically send email notification to all counsel of record.

/s/ Richard M. Elias

Richard M. Elias